

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS**

**Call to Order:** By Chairman John Sinrud, on March 7, 2007 at 2 P.M., in Room 102 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. John Sinrud, Chairman (R)  
Rep. Eve Franklin, Vice Chairman (D)  
Rep. Janna Taylor, Vice Chairman (R)  
Rep. Tim Callahan (D)  
Rep. Edith Clark (R)  
Rep. Bill E. Glaser (R)  
Rep. Ray Hawk (R)  
Rep. Cynthia Hiner (D)  
Rep. Galen Hollenbaugh (D)  
Rep. Joey Jayne (D)  
Rep. Dave Kasten (R)  
Rep. Bill McChesney (D)  
Rep. Penny Morgan (R)  
Rep. John L. Musgrove (D)  
Rep. Rick Ripley (R)  
Rep. Jon C. Sesso (D)  
Rep. Jack Wells (R)  
Rep. Craig Witte (R)

**Members Excused:** Rep. Bill Beck (R)

**Members Absent:** None.

**Staff Present:** Linda Keim, Committee Secretary  
Jon Moe, Greg DeWitt, Kris Wilkinson, Pat  
Gervais, Clayton Schenck, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 804, 2/27/2007  
Executive Action: HB 2, HB 805, HB 808

**HEARING ON HB 804**

**Opening Statement by Sponsor:**

0:00:00 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 804, Biennial funding for certain legislative, executive and judicial agencies.

**Section A: General Government and Transportation, Pg. A-1**

**Informational Testimony:**

0:05:19 Harry Freeborn, Administrative Officer, Office of State Public Defender

0:07:30 Ed Sheehey Jr., Regional Public Defender, Region 2, for Randi Hood, Chief Public Defender

0:08:35 Lois Menzies, Court Administrator, Supreme Court

[EXHIBIT\(aph48b01\)](#)

0:16:31 Susan Byorth Fox, Director, Legislative Services

0:25:16 Dennis Unsworth, Commissioner of Political Practices

0:32:30 Dorothy McCarter, District Judge, Helena

1:56:55 Dan Shea, Helena citizen

[EXHIBIT\(aph48b02\)](#)

**Proponents' Testimony:**

0:21:34 Mark Simonich, Chief Deputy Secretary of State

**Opponents' Testimony:**

0:35:53 David Ewer, Budget Director, Governor's Office

0:41:45 Jim Lynch, Director, Department of Transportation

0:58:17 Janet Kelly, Director, Department of Administration

01:05:16 Dan Bucks, Director, Department of Revenue

01:39:41 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

01:52:31 Erik Burke, MEA/MFT

01:54:33 Rep. Galen Hollenbaugh read into the record letters from Sandy Shull, Birds and Beasleys; and Brian Smith, Blackfoot Brewing Company

[EXHIBIT\(aph48b03\)](#)

[EXHIBIT\(aph48b04\)](#)

**Questions from Committee Members and Responses:**

02:12:54 Rep. Beck

02:14:26 Ms. Menzies

02:17:04 Rep. Beck

02:27:24 Mr. Bucks  
02:33:57 Rep. Witte  
02:39:13 Rep. Taylor  
02:39:24 Rep. Morgan  
02:47:33 Mr. Bucks  
02:48:56 Rep. Musgrove  
02:54:58 Rep. Taylor  
02:55:10 Rep. Sinrud  
02:55:35 Rep. Musgrove  
02:56:32 Rep. Sesso  
02:58:56 Rep. Taylor  
03:00:40 Rep. Sesso  
03:03:02 Ms. Fox  
03:04:06 Rep. Sesso  
03:09:22 Mr. Freeborn  
03:11:51 Rep. Sesso  
03:13:00 Ms. Kelly  
03:14:48 Rep. Sesso  
03:16:34 Mr. Bucks  
03:17:40 Rep. Wells  
03:18:56 Rep. Taylor  
03:19:25 Ms. Gervais  
03:20:27 Rep. Wells  
03:20:35 Rep. Taylor  
03:20:55 Rep. Wells  
03:24:30 Mr. Bucks  
03:25:20 Rep. McChesney  
03:26:53 Rep. Taylor  
03:31:02 Rep. Sinrud  
03:48:49 Mr. Bucks  
03:49:55 Rep. Sinrud  
03:52:19 Mr. Freeborn  
03:56:53 Rep. Sinrud  
04:01:59 Mr. Crichton  
04:02:10 Rep. Sinrud  
04:10:39 Mr. Sheehey

**Closing by Sponsor:**

04:11:33 Rep. Taylor  
04:14:32 Break  
05:22:56 Resume

**EXECUTIVE ACTION on HB 2**

05:25:18 **Motion:** Rep. Sesso moved to REMOVE HB 2 FROM THE  
**TABLE.**

05:25:33 Rep. Sinrud ruled the motion out of order as Executive Action had not yet begun. Nevertheless, he asked that a roll call vote be taken.

05:25:45 **Vote:** Motion failed 8-11 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voted aye. Rep. Beck voted by proxy.

**EXECUTIVE ACTION ON HB 805**

05:27:37 **Motion:** Rep. Ripley moved **HB 805 DO PASS.**

05:28:05 **Motion:** Rep. Ripley moved **TO AMEND HB 805.**  
**EXHIBIT**(aph48b05)

05:28:49 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Beck voted by proxy.

05:30:37 **Motion:** Rep. Ripley moved **TO AMEND.**  
**EXHIBIT**(aph48b06)

05:30:51 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Beck voted by proxy.

05:32:59 **Motion:** Rep. Ripley moved **TO AMEND.**  
**EXHIBIT**(aph48b07)

05:33:07 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Beck voted by proxy.

05:35:29 **Motion:** Rep. Ripley moved **TO AMEND.**  
**EXHIBIT**(aph48b08)

05:38:19 **Vote:** Motion failed 7-12 by roll call vote, with Rep. Glaser, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Hawk, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

05:38:31 **Motion:** Rep. Ripley moved **TO AMEND.**  
**EXHIBIT**(aph48b09)

**Discussion:**

05:39:22 Rep. Taylor  
05:39:25 Rep. Ripley  
05:40:01 Rep. Wells  
05:40:22 Rep. Ripley  
05:40:48 Rep. Sinrud  
05:41:30 Rep. Ripley

05:42:09 **Vote:** Motion failed 8-11 by roll call vote, with Rep. Glaser, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Taylor, Rep. Hawk, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

05:43:48 **Motion:** Rep. Ripley moved **TO AMEND.**  
**EXHIBIT**(aph48b10)

05:44:42 **Vote:** Motion failed 9-10 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Clark, Rep. Morgan, Rep. Taylor, Rep. Hawk, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

05:46:48 **Motion:** Rep. Witte moved **TO AMEND.**  
**EXHIBIT**(aph48b11)

05:48:32 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

05:49:59 **Motion:** Rep. Ripley moved **HB 805 DO PASS AS AMENDED.**

05:50:14 Rep. Franklin  
**EXHIBIT**(aph48b12)

05:51:25 Rep. Musgrove  
05:51:47 Rep. Sinrud  
05:51:59 Rep. Ripley

05:52:26 **Substitute Motion:** Rep. Musgrove moved **TO TABLE HB 805.**

05:52:34 **Vote:** Motion failed 8-11 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting aye. Rep. Beck voted by proxy.

**Discussion:**

05:54:29 Rep. Sinrud

05:54:37 Rep. Callahan  
05:58:03 Rep. Sinrud  
05:58:20 Rep. McChesney  
05:58:53 Rep. Franklin  
06:00:34 Rep. Taylor  
06:00:49 Rep. Ripley  
06:01:08 Rep. Wells  
06:02:55 Rep. Ripley

06:04:03 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

**EXECUTIVE ACTION ON HB 808**

06:08:36 **Motion:** Rep. Clark moved **HB 808 DO PASS.**

06:08:46 **Motion:** Rep. Clark moved **TO AMEND.**  
**EXHIBIT**(aph48b13)

06:10:07 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck and Rep. Witte voted by proxy.

06:11:34 **Motion:** Rep. Clark moved **TO AMEND TO ADD LANGUAGE** for a fund switch relating to DP 11106 and DP 11009.  
**EXHIBIT**(aph48b14)

**Discussion:**

06:13:17 Rep. Wells  
06:14:01 Rep. Clark  
06:14:09 Ms. Steinbeck  
06:15:53 Rep. Sinrud  
06:15:58 Rep. Clark  
06:17:47 Rep. Sinrud

06:19:51 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

06:19:59 **Motion:** Rep. Clark moved **TO AMEND.**  
**EXHIBIT**(aph48b15)

**Discussion:**

06:21:13 Rep. Clark

06:21:32 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

06:22:54 **Motion:** Rep. Clark moved **TO AMEND.**

**EXHIBIT** (aph48b16)

**Discussion:**

06:23:37 Rep. Wells

06:23:48 Ms. Steinbeck

06:24:29 **Vote:** Motion failed 9-10 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Morgan, Rep. Kasten, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

**Discussion:**

06:26:27 **Motion:** Rep. Clark moved **HB 808 DO PASS AS AMENDED.**

06:27:01 **Substitute Motion/Vote:** Rep. Jayne moved **TO TABLE HB 808.** Motion failed 8-11 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting aye. Rep. Beck voted by proxy.

06:28:53 **Motion/Vote:** Rep. Taylor moved **TO AMEND** (Exhibit 16). Motion failed 9-10 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Morgan, Rep. Taylor, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

06:31:05 **Motion:** Rep. Clark moved **HB 808 DO PASS AS AMENDED.**

06:31:15 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Beck voted by proxy.

**ADJOURNMENT**

Adjournment: 9:04 P.M.

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REP. JOHN SINRUD, Chairman

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LINDA KEIM, Secretary

JS/lk

Additional Exhibits:

**EXHIBIT ([aph48bad.pdf](#))**